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REMARKS

The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

35 U.S.C. §102(e) Rejection - Shirasaki

The Examiner has rejected claims 78 and 80 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,593,034 issued to Shirasaki (hereinafter referred to as "Shirasaki"). The Applicants respectfully submit that the present claims are allowable over Shirasaki. The Applicants respectfully submit that the present claims are allowable over Shirasaki.

Claim 78 recites a method comprising "*adding a first gas to an enclosure having a second gas through a slit aligned with a length of a side of the enclosure to distribute a flow of the first gas over the length of the side of the enclosure, the first gas having a different composition than the second gas, the enclosure being between a mask protective device, a patterned mask, and walls connecting the mask protective device with the patterned mask; and removing at least a portion of the second gas from the enclosure through one or more outlet ports*". Shirasaki does not teach or suggest these limitations.

Shirasaki discusses that the frame has at least two gas passage openings. See e.g., column 3, lines 43-47. However, Shirasaki does not teach or suggest that these openings are a slit. Rather, Example 1 discloses that they are circular holes.

The Examiner has relied upon the definition of a slit as a long narrow cut or opening. However, the "long narrow" in this definition is understood to pertain to the cross-section of the slit. The Examiner's effort to try to make the definition of a slit read on a cylindrical hole as taught in Shirasaki is simply inappropriate. A cylindrical hole

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simply is not a slit. The Examiner is incorrect if he thinks the broadest reasonable interpretation of a slit covers a cylindrical hole.

Furthermore, Shirasaki does not teach or suggest a slit aligned with a length of a side of the enclosure to distribute a flow of the first gas over the length of the side of the enclosure. A slit aligned with a length of a side of the enclosure to distribute a flow of the first gas over the length of the side of the enclosure plainly means that the longest length of the slit is aligned with the length of the side of the enclosure. Shirasaki does not teach or suggest this.

The Examiner appears to have relied upon the openings (6) in Figure 2 of Shirasaki. Figure 2 of Shirasaki is a cross-sectional view. See e.g., column 4, line 11. It is inappropriate to interpret the depth of these circular openings shown in cross-section as a length of a slit. Furthermore, the depth of these circular openings are not aligned with the length of the side, but rather perpendicular to the length of the side.

Anticipation under 35 U.S.C. Section 102 requires every element of the claimed invention be identically shown in a single prior art reference. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. *"For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, every element of the claimed invention must be identically shown in a single reference."* In *Re Bond*, 910 F.2d 831, 15 USPQ.2d 1566 (Fed. Cir. 1990).

For at least one or more of these reasons, independent claim 78 and its dependent claims are believed to be allowable over Shirasaki.

35 U.S.C. §103(a) Rejection – Shirasaki and Shirakawa

The Examiner has rejected claims 51-52, 64-66, 69-72, 74-76 and 79 under 35 U.S.C. §103(a) as being unpatentable over Shirasaki in view of U.S. Patent No. 6,380,518 issued to Shirakawa et al. (hereinafter "Shirakawa"). The Applicants respectfully submit that the present claims are allowable over Shirasaki and Shirakawa

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest **all the claim limitations**. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 51 recites a method comprising "*adding a first gas to an enclosure having a second gas through an inlet port having a plurality of discrete openings arranged to distribute a flow of the first gas over a length of a side of the enclosure, the first gas having a different composition than the second gas, the enclosure being between a mask protective device, a patterned mask, and walls connecting the mask protective device with the patterned mask, wherein the openings are in the walls connecting the mask protective device with the patterned mask; and removing at least a portion of the second gas from the enclosure through one or more outlet ports*".

Applicants respectfully submit that there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine and modify the reference teachings as proposed by the Examiner.

Shirasaki does not teach or suggest an inlet port having a plurality of discrete openings arranged to distribute a flow of the first gas over a length of a side of the enclosure. Nor does Shirasaki teach the desirability of such an inlet port.

Shirakawa discusses an exhaust system including a plurality of gas blow-out ports in an upper space above a hot plate in a chamber for supplying a gas along a substrate so as to cover the substrate placed on the hot plate. However, the exhaust system of Shirakawa and its associated advantages are discussed in the context of a hot plate apparatus and substrate heated. By way of example, one advantage of the exhaust system is to help prevent particles from falling on the substrate (see e.g., column 1, lines 33-35 and column 11, lines 7-12).

The Examiner has failed to provide sufficient suggestion or motivation why the ports of Shirakawa would be included in the apparatus of Shirasaki in the absence of the hot plate or the substrate heated. The Examiner appears to have relied upon the present patent application and hindsight reconstruction, which is impermissible.

An invention is not obvious where the Examiner fails to provide a sufficient suggestion even if the prior art "could" have been combined. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the **desirability** of the modification. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered

obvious. One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

Accordingly, it is inappropriate to combine Shirasaki and Shirakawa. Accordingly, the rejection is believed to have been overcome.

35 U.S.C. §103(a) Rejection – Shirasaki, Shirakawa and Ivaldi

The Examiner has rejected claims 54-55, 73 and 77 under 35 U.S.C. §103(a) as being unpatentable over Shirasaki in view Shirakawa and further in view of U.S. Patent No. 6,507,390 issued to Ivaldi (hereinafter "Ivaldi"). The Applicants respectfully submit that the present claims are allowable over Shirasaki, Shirakawa, and Ivaldi.

As discussed above, Shirasaki and Shirakawa should not be combined. At this time, Applicants do not address other aspects of this rejection and do not admit the appropriateness of combining these references.

35 U.S.C. §103(a) Rejection – Shirasaki, Shirakawa and Shimada

The Examiner has rejected claim 67 under 35 U.S.C. §103(a) as being unpatentable over Shirasaki in view Shirakawa and further in view of U.S. Patent No. 5,735,961 issued to Shimada (hereinafter "Shimada").

As discussed above, Shirasaki and Shirakawa should not be combined. At this time, Applicants do not address other aspects of this rejection and do not admit the appropriateness of combining these references.

Allowable Subject Matter

Applicants note with appreciation the Examiner's indication of allowable subject matter. The Examiner has allowed claim 68. At this time, for the reasons discussed above, Applicants hope and believe that broader claims may be found allowable.

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Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 12/14/06

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